

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PLAINTIFFS' AND COBB COUNTY'S JOINT STATUS REPORT
AND PROPOSED SCHEDULE FOR DETERMINATION OF
DRE MACHINE PRESERVATION**

Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg, by and through undersigned counsel, and on behalf of the parties and pursuant to the Court's instruction during the May 10, 2018 status conference (Dkt. No. 205), hereby submit the following status report and proposed schedule regarding the determination of which DRE machines shall be sequestered for potential imaging and/or testing for purposes of this litigation.

1. The parties conferred regarding a proposed schedule for the exchange of information and list of DRE machines to be released. While Plaintiffs and County Defendants agreed on the dates in the below proposal, Plaintiffs had not received final assent to the language in the below proposal from Defendants (other than Cobb County) prior to 11:00 p.m. In addition, Plaintiffs had not received

confirmation that the data to be provided would be complete and in a usable format. The email chain between the parties is attached hereto as Exhibit A. Accordingly, and in compliance with the Court's Order, Plaintiffs respectfully submit the below proposed schedule and guidelines for the exchange of information related to DRE machines and the selection of a representative sample.

2. On or before **June 12, 2018**, the County Defendants will provide a list, by precinct, of all machines used in Fulton, Dekalb, and Cobb Counties in each election since and including November 2016 and through and including May 2018. This list will include (a) the serial number for each machine; (b) the election history for each machine (i.e., a list of the elections in which each machine was used); (c) whether the machine is sequestered as of today's date; and (d) the precinct(s) in which each machine was used for each election. This information may be provided in the form of "precinct recap sheets" from each county for each election since and including November 2016, so long as the counties also clearly identify which machines are being sequestered (and provide any other information for (a) through (d) above that is not included on the sheets).¹

¹ The Coalition Plaintiffs object to being required to use "recap sheets" because (1) no exemplar of such recap sheets has been provided, so there is no assurance that the recap sheets provide the information the Coalition Plaintiffs actually require, including a vote tally history; and (2) the substantial burden to Plaintiffs of being required to work with handwritten information on thousands of sheets of paper

3. On or before **June 22, 2018**, Plaintiffs will provide a list of DRE machines that each County Defendant will sequester based on the above-listed information, with the understanding that any DRE machine not included on the Plaintiffs' lists may be released back into service. Any County Defendant who wishes to object to the list of DRE machines chosen will do so within three (3) days of receipt of the list from Plaintiffs. The parties agree to meet and confer before seeking relief from the Court.

4. The parties agree that the foregoing release will be limited solely to those DRE machines that are not selected by Plaintiffs for preservation. The Defendants will preserve the memory cards, servers, and equipment other than DRE machines that are not selected by Plaintiffs for release. Should the Defendants require the release of any other equipment, the parties agree to meet and confer prior to seeking relief from the Court.

vastly outweighs the trivial burden to Defendants of generating standard reports containing the same information using automated server reporting functions.

Dated: May 17, 2018

Respectfully submitted,

/s/ Adam M. Sparks

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Adam M. Sparks
Adam M. Sparks

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2018, a copy of the foregoing
PLAINTIFFS' AND COBB COUNTY'S JOINT STATUS REPORT AND
PROPOSED SCHEDULE FOR DETERMINATION OF DRE MACHINE
PRESERVATION was electronically filed with the Clerk of Court using the
CM/ECF system, which will automatically send notification of such filing to all
attorneys of record.

/s/ Adam M. Sparks
Adam M. Sparks